IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2484 of 2004

Unique Associate Co-op. Hsg.Soc. Ltd. And Anr. ....Petitioners

Versus

State of Maharashtra and Ors. ...Respondents

Mr. P.C. Kansara for the petitioners.
Mr. Milind More, Assistant Government Pleader, for respondent Nos.1 and 2.
Ms. N.V. Sanglikar for respondent Nos. 3 and 4.

CORAM: **DALVEER BHANDARI, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **SEPTEMBER 20, 2004**.

P.C.

The petitioners, through their Architect, submitted a repair plan to respondent No.4, seeking permission to carry out the repairs to the building. On 18th June, 2003, the Municipal Corporation of Greater Mumbai has addressed a letter to the Architect of the petitioners indicating the grounds under Section 45/69 of the Maharashtra Regional and Town Planning Act, 1966, for refusing the sanction. In response to that, petitioners' Architect has addressed a letter to respondent No.4. It seems that some compliance has yet not been carried out. Meanwhile,

the petitioners were also directed to comply with other directions.

2. The Executive Engineer (Building Proposals) City-1 has sent a letter to the Desk Officer, Urban Development Department, Mantralaya, Mumbai-400 032, on 24th January, 2004. The said letter reads as under:

> "Architect Shri Nitin Doshi has submitted a proposal for the proposed additions and alterations to the existing building at Wode House Road, on behalf of M/s. Unique Associates Coop.Housing Society Ltd.,, on 07-05-2003 with the requisite documents.
>
> As per the survey remarks, the block plan is correct. However, the Architect has submitted certified True copy of plan approved U/No. EB/8707/A dated 21-11-85 and the same is as per the records in the register maintained by office.
>
> The proposal consists of structural as well as tenantable repairs of the building.
>
> The plot falls in Coastal Regulation Zone.
>
> Architect has applied for N.O.C. from M.C.G.M. from the proposed work and the same is under approval.
>
> Further, Architect, has submitted a valuation report for the proposed work, certifying the value of the proposed works as Rs.3,85,000/- (which is less than Rs.5.00 crores) prepared by a registered joint Valuer Regd. No. CAT/I/156-WT/88.

> Architect has also submitted Indemnity Bond indemnifying of M.C.G.M. as well as Govt. of Maharashtra from any action against them in this matter."

Admittedly, the State Government has not taken any action on this letter. We direct the Urban Development Department, Mantralaya, Mumbai-32 to take decision on this letter within a period of two weeks from today. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.